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UNIVERSITY OF HAWAI'I AT HILO

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DEPT. OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAI'I

IN THE MATTER OF

Contested Case Hearing Re Conservation  
District Use Application (CDUA) HA-3568 for  
the Thirty Meter Telescope at the Mauna Kea  
Science Reserve, Ka'ohē Mauka, Hāmākua,  
Hawai'i, TMK (3) 4-4-015:009

Case No. BLNR-CC-16-002

**[PROPOSED] MINUTE ORDER NO.**  
**\_\_\_ DENYING FLORES-CASE 'OHANA**  
**REQUEST FOR SUBPOENA FOR**  
**"JOHN DOE" AND FOR A SUBPOENA**  
**DUCES TECUM TO DISCLOSE**  
**UNIDENTIFIED MAUNAKEA**  
**OBSERVATORIES SUPPORT SERVICES**  
**EMPLOYEE INVOLVED WITH THE**  
**DESTRUCTION OF AHU (SHRINE) ON**  
**MAUNA KEA IN AUGUST OF 2015**  
**[DOC. 447] AND GRANTING THE**  
**UNIVERSITY OF HAWAI'I AT HILO'S**  
**MOTION TO QUASH FLORES-CASE**  
**'OHANA'S REQUEST FOR WITNESS**  
**SUBPOENA FOR "JOHN DOE" AND**  
**FOR A SUBPOENA DUCES TECUM**  
**TO DISCLOSE UNIDENTIFIED**  
**MAUNAKEA OBSERVATORIES**  
**SUPPORT SERVICES EMPLOYEE**  
**INVOLVED WITH THE DESTRUCTION**  
**OF AHU (SHRINE) ON MAUNA KEA IN**  
**AUGUST OF 2015, FILED JANUARY 12,**  
**2017 [DOC. 443]; CERTIFICATE OF**  
**SERVICE**

**[PROPOSED] MINUTE ORDER NO. \_\_\_ DENYING FLORES-CASE ‘OHANA  
REQUEST FOR SUBPOENA FOR “JOHN DOE” AND FOR A SUBPOENA DUCES  
TECUM TO DISCLOSE UNIDENTIFIED MAUNAKEA OBSERVATORIES  
SUPPORT SERVICES EMPLOYEE INVOLVED WITH THE DESTRUCTION OF  
AHU (SHRINE) ON MAUNA KEA IN AUGUST OF 2015 [DOC. 447] AND  
GRANTING THE UNIVERSITY OF HAWAI‘I AT HILO’S MOTION TO QUASH  
FLORES-CASE ‘OHANA’S REQUEST FOR WITNESS SUBPOENA FOR “JOHN  
DOE” AND FOR A SUBPOENA DUCES TECUM TO DISCLOSE UNIDENTIFIED  
MAUNAKEA OBSERVATORIES SUPPORT SERVICES EMPLOYEE INVOLVED  
WITH THE DESTRUCTION OF AHU (SHRINE) ON MAUNA KEA IN AUGUST  
OF 2015, FILED JANUARY 12, 2017 [DOC. 443]**

On January 12, 2017, the Flores-Case ‘Ohana filed its *Request for Subpoena for “John Doe” and for a Subpoena Duces Tecum to Disclose Unidentified Maunakea Observatories Support Services Employee Involved With the Destruction of Ahu (Shrine) on Mauna Kea in August of 2015* [Doc. 447] (“**Request**”). On January 19, 2017, Applicant University of Hawai‘i at Hilo (“**University**”) timely filed its responsive *Motion to Quash Flores-Case ‘Ohana’s Request for Subpoena for “John Doe” and for a Subpoena Duces Tecum to Disclose Unidentified Maunakea Observatories Support Services Employee Involved With the Destruction of Ahu (Shrine) on Mauna Kea in August of 2015, filed January 12, 2017* [Doc. 443] (“**Motion**”). No other pleadings were filed concerning the Flores-Case ‘Ohana’s Request or the University’s Motion.

On January 25, 2017, the Request and the Motion came on for hearing in Hilo, Hawai‘i at the Grand Naniloa Hotel, 93 Banyan Drive. The following parties and/or party representatives entered appearances on January 25, 2017:

John P. Manaut, Esq. and Ian L. Sandison, Esq., for the University;  
Harry Fengerstrom;  
Deborah Ward;  
Kealoha Pisciotta, in her individual capacity and for Mauna Kea Anaina Hou (“**MKAH**”) and Paul Neves;  
Clarence Kukauakahi Ching;  
E. Kalani Flores and B. Pualani Case, for the Flores-Case Ohana;

Dexter Kaiama, Esq. for The Hawaiian-Environmental Alliance (“**KAHEA**”);  
Ross Shinyama, Esq. and Brian Kang, Esq. for TMT International Observatory, LLC.  
 (“**TIO**”);  
Lanny Alan Sinkin for the Temple;  
Lincoln Ashida, Esq. for Perpetuating Unique Educational Opportunities Inc. (“**PUEO**”)  
with Keahi Warfield;  
Mehana Kihoi in her individual capacity and for Leina‘ala Sleightholm;  
Dwight J. Vicente;  
Cindy Freitas;  
William Freitas; and  
Wilma Holi (witness).

At the hearing, oral argument was made by E. Kalani Flores for the Flores-Case ‘Ohana  
and Ian L. Sandison for the University.

Having duly considered the Request, the Motion, all related oral submissions, the  
Proposed Minute Order and all submissions related thereto, all applicable law, and the entire  
record herein, and for good cause shown, the Hearing Officer finds that the Request seeks  
testimony that is irrelevant and/or immaterial to these proceedings, and as such,

IT IS HEREBY ORDERED that the Request is DENIED, and the Motion is GRANTED.

DATED: Honolulu, Hawai‘i, February \_\_, 2017.

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Judge Riki May Amano (Ret.)  
Hearing Officer

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAII

IN THE MATTER OF

Contested Case Hearing Re Conservation  
District Use Application (CDUA) HA-3568 for  
the Thirty Meter Telescope at the Mauna Kea  
Science Reserve, Ka'ohe Mauka, Hāmakua,  
Hawai'i, TMK (3) 4-4-015:009

Case No. BLNR-CC-16-002

CERTIFICATE OF SERVICE

**CERTIFICATE OF SERVICE**

The undersigned certifies that the above-referenced document was served upon the  
following parties by email unless indicated otherwise:

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DATED: Honolulu, Hawai'i, February 1, 2017.

  
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